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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,142	03/14/2001	Rex Hoover	02102-15	1944
23582	7590	01/30/2004	EXAMINER	
PARENT PATENT RESEARCH, INC 600 NORTH PICKETT STREET ALEXANDRIA, VA 22304			KASSA, YOSEF	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 01/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/805,142

**Applicant(s)**

HOOVER ET AL.

**Examiner**

YOSEF KASSA

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldur (6,219,437), and in view of Bender et al (5,920,657).

With regard to claim 1, Baldur discloses a sample retaining means, said sample retaining means forming an axis of sample rotation (see col. 1, lines 51-58), said retaining means further including a motor to rotate the sample a predetermined angular distance (see col. 2, lines 10-15 and Fig. 1, item 7); a microscope, said microscope being disposed such that the field of view of said microscope is perpendicular to said axis of sample rotation (see Fig. 1, item microscope is perpendicular to item 3); lighting means for lighting the sample (see col. 2, lines 13-18); camera means for recording a plurality of sequential sample images at predetermined intervals (see col. 3, lines 57-65); a control and storage means for controlling said motor and determining said predetermined rotation distance and for storing said plurality of said sample images and for determining said predetermined intervals (see col. 3, lines 51-65); an image consolidation means, i.e., image composing, for consolidating said plurality of said sample images such that said sample images are formed into a panoramic strip of the

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exterior of the sample, said image consolidation means further being part of said control (see col. 3, lines 21-24) and storage means such that said consolidated panoramic strip may be stored (see col. 3, lines 25-39); and a visual display means (see col. 3, lines 35-40).

Baldur does not explicitly call for displaying any pair of stored panoramic strips such that a visual comparison can be made by a user of the surface marking characteristics of two separate samples. In the same field of endeavor, However, Bender et al discloses this feature (see col. 19, lines 15-26). At the time of the invention, it would have been obvious to incorporate the step of combining a sequence of still images of varying fields of view onto a panoramic image of an overall field of view as thought by Bender in the system Baldur, because Bender provides Baldur a system to represents the respective image translated to a position within a common panoramic field of view and combining each of the transformed signals to resultant signal that represents a combination of the translated images to a final image of a single panoramic field of view.

With regard to claim 2, Baldur discloses panoramic strips are divided into two halves longitudinally by image consolidation means and each one of halves of one of pair is displayed immediately next to the opposite said half of the other said panoramic strip being compared (see col. 2, lines 10-29).

Claims 3, 6, 7 and 10 are similarly analyzed as claim 2.

With regard to claim 4, predetermined angular distance of sample rotation is five degrees (see col. 3, lines 11-16, note that the bullet 3 rotated and sectors of the surface of bullet 3 imaged).

Claims 5, 9 and 11 are similarly analyzed as claim 4.

Regard to claim 8, Baldur discloses mounting the sample on a retaining means having an axis of sample rotation (see Fig. 1, item 1); acquiring a magnified image of a portion of the exterior of the sample (see col. 4, lines 24-28); storing said magnified image in a digital format (see col. 4, lines 30-32); rotating the sample a predetermined angular distance (see col. 4, lines 8-13); repeating said image acquiring step and said storing step until the entire circumferential outer surface of the sample has been stored in the digital format (see col. 4, lines 16-23); consolidating said stored images into a panoramic strip representing a magnified view of the entire circumferential outer surface of the sample (see 4, lines 25-28).

Baldur does not explicitly call for displaying a pair of panoramic strips such that a visual comparison can be made between the surface marking characteristics of the samples. In the same field of endeavor, However, Bender et al discloses this feature (see col. 19, lines 15-30). At the time of the invention, it would have been obvious to incorporate the step of combining a sequence of still images of varying fields of view onto a panoramic image of an overall field of view as thought by Bender in the system Baldur, because Bender provides Baldur a system to represents the respective image translated to a position within a common panoramic field of view and combing each of

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the transformed signals to resultant signal that represents a combination of the translated images to a final image of a single panoramic field of view.

### ***Other Prior Art Cited***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5,612,787) to Harvey et al discloses striation monitor and display system and method.

US Patent No. (5,633,717) to Baldur discloses method for monitoring and adjusting the position of an object under optical observation for imaging.

US Patent No. (5,710,661) to Cook discloses integrated panoramic and high resolution sensor optics.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703)

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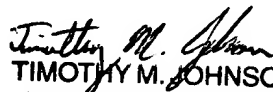
872-9306 for regular communication and (703) 872-9306 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

**PATENT EXAMINER**

Yosef Kassa

01/20/04.

  
TIMOTHY M. JOHNSON  
PRIMARY EXAMINER